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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/671,407
Filing Date: September 25, 2003
Appellant(s): BATES ET AL.

Owen J. Gamon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/17/2007 appealing from the Office action mailed 07/09/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Axandra et al." Arelis Online User Guide" May 2003,

U.S. Publication No. 20020083093 to Goodisman et al. June 27, 2002

<http://www.w3.org/TR/html401/cover.html>

http://www.w3schools.com/html/html_quick.asp

http://web.archive.org/web/20011109022245/http://www.marketingterms.com/dictionary/reciprocal_link

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 6-9, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Axandra et al. "Arelis Online User Guide" May 2003, in view of Goodisman et al (hereinafter Goodisman) U.S. Publication No. 2002/0083093 published June 27, 2002.

The Examiner relied on the following definition of reciprocal tags from the present application specification

[0041] **The link 130 is surrounded by a set of reciprocal tags 260-1 and 260-2, which the controller 126 creates in response to the option 220 as previously described above with reference to FIG. 2A and as further described below with reference to FIG. 5. In the example shown, the reciprocal tags 260-1 and 260-2 are encoded as comment tags, but in other embodiments any appropriate tags may be used.** The reciprocal tags 260-1 and 260-2 include an unique identifier of the section 214, which in this example is "4," but in other embodiments any appropriate identifier may be used.

In regard to **Independent claim 1**, Axandra teaches a method comprising:

finding a first link in a first page to a reciprocal site; determining a reciprocal page based on the first link; and

- Receiving an edit reciprocal link option and a selected section of a first page from a user interface (Axandra page 17, middle, Context Menu to edit links)(See page 25, Middle Include links in page check box.) (See page 24, Top and Page 106 and page 129)
Axandra teaches several sections of editing reciprocal links within an interface where the user selects to edit a link from within the interface.
- Adding at least one reciprocal link to the first page based on the edit reciprocal link option and the selecting section of the first page wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal link identifies the selected section that includes the first link (See page 39, Links Template adds variables to HTML page; See Page 78, **##LINKS##** is added to a page; See page 79, add site button functionality that allows a user to add links to a page; See page 86 and 97 to add a website and change website pages to include the new partner links; See page 106, Edit

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site provides the structure steps to select a given page and reciprocal link; See page 129 and 134, which include specific examples of variables added to a page.

- Finding the at least one reciprocal link in the first page (See page 26, 34 and 37 middle, finds links and Page 83).
- Finding a reciprocal page based on the at least one reciprocal link, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal link that identifies the reciprocal page; Determining whether a reciprocal link exists in the reciprocal page to the first page, (See page 27, 34 and 37, Dialog box showing the found URL's including the reciprocal link, which determines that it is linked and found by presenting it to the user.
- If the reciprocal link does not exist, determining an action based on a user-interface option (See page 28, creating links and Page 29, sending email to the website master to add the links to the Axandra directory (See also page 33).

Axandra does not expressly teach:

- Adding a reciprocal tag to the page

Axandra teaches the structure for adding variables to the table data within delimiters such as ### and <>, as shown in the above examples. While a variable is not a tag, the system of Axandra does follow a process of identifying a reciprocal site, inserting a link into a webpage based on the reciprocal link, and then storing the link in a directory. The system of Axandra also lets the user select from an interface, which links that they want linked to their website.

Axandra does not specifically teach adding a "reciprocal " tag to a page and to the skilled artisan a "reciprocal " tag is not a formal tag in the HTML code structure. Therefore, it is understood that the present application utilizes the current tags in the HTML specification (See http://www.w3schools.com/html/html_quick.asp) in a manner that allows linking or uses a modified tag via XML or derivative). Given that the definition above provides that a tag is added as comment tags and that any appropriate tags could be used, the system of

Goodisman teaches a linkify application that takes sections of documents and generates a new webpage that can be comprised of multiple markup language (See Para 0029 and 0035). Goodisman teaches that a target object can be a portion of a document, a word, script, or element within a document that can also be a hyperlink (See Para 0028 and 0041). Goodisman teaches the process of providing a forward linking operation where the links can be captured from an email before the user reads the email and then providing links to the target objects, once the email is read. Or, by back linking (reciprocal) by presenting the document with links from established memory objects or databases. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Goodisman and Axandra in front of them, to modify the process in the system of Axandra of adding variables to web pages to include the tag adding operations of Goodisman for the purposes of putting a specific tag into a document for linking purposes. The motivation to combine comes from the suggestion in Goodisman of providing a linkify object on a object by object basis to communicate to the user that the given object within the page is related and highlighted to the user for a given context as specified by the user (See page 8, Para 0060 and 0061) and can be document objects in other object or applications or pages (See Para 0065).

With respect to dependent claim 2, Axandra teaches the method further comprising: if the reciprocal link does not exist, issuing a warning (See page 17, Middle, warning and Page 32, status warning and Page 58, check links feature).

With respect to dependent claim 3, Axandra teaches the method further comprising: if the reciprocal link does not exist, removing the first link from the first page (See page 35) Axandra teaches a remove button on the main window that puts the link in a filter that won't allow the site to be linked in the future.

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In regard to **Claims 6-9**, claims 6-9 reflect the apparatus comprising computer readable instructions for performing the steps of method claims 1-3, respectively, and in further view of the following, are rejected along the same rationale. Axandra teaches in several sections the process of monitoring the links if the reciprocal does not exist and if the number of time exceeds a threshold and then removing the link (See page 35, 50, 52, 61, 68, 84 and 91). Axandra page 91, determines the number of links to a given page that can be set and the status identifier tells the user of a given date when the other site was sent a request to be linked and from the status date and the number of emails sent a threshold can be reached before the user places the link on the filter list to be removed. Once on the filter list, the site will no longer be linked to.

In regard to **Claims 11- 15**, claims 11-15 reflect the computer readable medium comprising computer readable instructions for performing the steps of method claims 1-3, respectively, and in further view of the following, are rejected along the same rationale. Axandra teaches in several sections the process of monitoring the links if the reciprocal does not exist and if the number of time exceeds a threshold and then removing the link (See page 35, 50, 52, 61, 68, 84 and 91). Axandra page 91, determines the number of links to a given page that can be set and the status identifier tells the user of a given date when the other site was sent a request to be linked and from the status date and the number of emails sent a threshold can be reached before the user places the link on the filter list to be removed. Once on the filter list, the site will no longer be linked to.

In regard to **Claims 16- 20**, claims 16-20 reflect the system comprising computer readable instructions for performing the steps of method claims 1-3, respectively, and in further view of the following, are rejected along the same rationale. Axandra teaches in several sections the process of monitoring the links if the reciprocal does not exist and if the number of time exceeds a threshold and then removing the link (See page 35, 50, 52, 61, 68, 84 and 91). Axandra page 91, determines the number of links to a given page that can be set and the status identifier tells the user of a given date when the other site was sent a request to be linked and from the status date and the number of emails sent a threshold can be reached before the user places the link on the

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filter list to be removed. Once on the filter list, the site will no longer be linked to.

(10) Response to Argument

Beginning on page 18 of Appellant's brief (hereinafter Brief); Appellant argues specific issues, which are accordingly addressed below. Applicant has elected to group the following claims together and only present arguments for claim 1. Therefore, the Examiner will present arguments based on the elected groupings.

Claims 1-3, 6-9, and 11-20

Applicant's argument that Axandra does not teach the "identifying the selected selection" as recited in claim 1

Applicant argues that the keyword ##LINKS## does not identify the selected selection as recited in claim 1 and the Axandra "dummy web page" never includes a link to a first reciprocal site, as recited in claim 1, because the applicant interprets the keyword ##LINKS## as a location in the link page template created from the dummy page and not an actual identifier. Applicant further argues that the link template page (aka dummy page) that Axandra uses only shares navigational elements with the links in the actual Axandra web page. Thus the first link to the reciprocal site is never in the dummy web page because it is in the link template page (See Brief page 21).

The Examiner disagrees.

MPEP 2111.01 (II) states that the claims are interpreted by an Examiner based on their plain meaning unless such a meaning is inconsistent with the

specification. Further, MPEP 2111. 01 (III) states that the plain meaning refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art in question at the time of the invention.

With this guidance, the Examiner used the following definitions as known to one of ordinary skill in the art at the time of the invention (09/25/2003). The definition of a reciprocal link was a known term in the art as a link placed on another website that links back to your page (See -

http://web.archive.org/web/20011109022245/http://www.marketingterms.com/dictionary/reciprocal_links).

The present application provides intrinsic evidence as to the definition of a reciprocal link tag as follows:

[0040] FIG. 2B depicts a pictorial representation of example control tags and data in the page 128, according to an embodiment of the invention. The page 128 includes the link 130 to the **reciprocal site 160**. In the example shown, **the link is encoded as an anchor tag in HTML**, but any appropriate markup language may be used, and the reciprocal site 160 has the URL (Universal Resource Locator) of "www.example-reciprocal-site.com,-" but in other embodiments any appropriate link, address, or pointer may be used.

[0041] The link 130 is surrounded by a set of reciprocal tags 260-1 and 260-2, which the controller 126 creates in response to the option 220 as previously described above with reference to FIG. 2A and as further described below with reference to FIG. 5. In the example shown, the **reciprocal tags 260-1 and 260-2 are encoded as comment tags**, but in other embodiments any appropriate tags may be used. The reciprocal tags 260-1 and 260-2 include an unique identifier of the section 214, which in this example is "4," but in other embodiments any appropriate identifier may be used.

A known definition in the art for a comment tag, as specified by HTML 4.01, (See http://www.w3schools.com/html/html_quick.asp) (hereinafter HTML_quick, and click on HTML tag list) One can see the commonly known comment tag as shown "<!---->", and is defined that comment tags are generally ignored by the browser and are used by a programmer to explain their code or they can be used by non-scripting browsers from showing the comments as plain text. HTML_quick, (click html tag list) also shows an anchor tag that is defined as a tag that can be used to create links to another document using the HREF attribute or to create a bookmark inside a document or to another document, by using the name or ID attribute. The HTML 4.0 specification was published in Dec 1999 (See <http://www.w3.org/TR/htm401/cover.html>) (hereinafter HTML 4.0) clearly defines the known HTML elements in the art of defining a link or item within a webpage. HTML 4.0, chapter 12, Links (specifically 12.2) defines the structure for links and anchor tags and how they are used.

With this evidence in mind, the Examiner supports two lines of reasoning with regard to the meaning in the present application specification and the plain meaning in the art for a reciprocal link tag. First, as defined in the present application (Para 41, shown above) the tags are encoded as comment tags. HTML 4.0 provides that the comment tags are generally ignored by the browser and are used by a programmer to explain their code or they can be used by non-scripting browsers from showing the comments as plain text. Given the purpose

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of the comment tag is to just provide a description of the link, the Examiner contends that the figure 2b showing the tag as a comment provides no function to the page and is ignored by the browser. Even though the tag has a name, there is no function to the comment tag other then providing a name for the tag that is presented by the applicant as a unique identifier and cannot be accessed programmatically and would only be used by a programmer viewing the code since the browser ignores it. The Editor of Axandra allows the user to add HTML code to their page, as shown in page 123, where the user can add any HTML code they desire to design the web page or add functionality to the page, which can include comment tags. Specifically, the variables page 129, allows the user to place [A-link-description] next to a link, where the link description is not actually displayed and can be considered a comment tag. The link description describes the link (See page 37) but is not shown on the page.

The second rationale follows that if embodiment claimed is the tag as an anchor tag, then HTML_quick provides that an anchor tag can be used to create link to another document using the HREF attribute or to create a bookmark inside a document or to another document, by using the name or ID attribute. Further, HTML 4.0, chapter 12, Links, section 12.2 states that the anchor tag can be defined and then linked to another document or within the same document using the "fragment Identifier" #. For example, an absolute URI can be:

<http://www.google.com/one.html#anchor> or a relative anchor can be defined as [./one.html#anchor](#) or within the same document as [#anchor-one](#). Further, anchor

names have the value of either the name or ID attribute and can be defined as Therefore, the anchor tag known in the art can provide for a location in the document that links to another document and the anchor names can vary and be defined with fragment identifier #. The Examiner uses the rationales presented above in the rejection and for the comments below.

The applicant argues that the ##LINKS## identifier used in the dummy web page as described on page 78 and 122, is not a link to a reciprocal site and does not identify the selected section.

In the rejection above, claim 1 is a method claim and in the interpretation of the series of steps and applicant appears to argue specific limitations but to understand the rejection and the reference, the claim as a whole must be analyzed. Step 1 recites "receiving an edit reciprocal link option and selected section of a first page from a user interface". The Examiner interprets the reciprocal link editor as shown on page 8 and 25 as allowing to user to edit a reciprocal link and receives from a user, via an interface, an edit link option of the selected portion of the page. For Example, the editor displays a list of all websites that are currently linked to a user's home page and displays them in a link directory. The user can select a given link and preview the page as shown on page 25. The user can check the link back box column for a given page to edit the reciprocal link to link the prospective page to the current page. There are other ways to add a link (See page 33) all of which can be considered

mechanisms to edit a link. The link is displayed in an ordering on the pages (See bottom of page 34) that allows the user to identify where the page is to be displayed on the page.

The teachings of Axandra state that the process by which a user creates a web page is as follows: 1) the user creates a project (See page 31), 2) the user finds links that they want to be linked to their site (See page 33) and previews the page (See page 34), If the page is deemed as linkable then the user can add the sites listed on a given page to the project (See page 35 and 36-37), 3) the user creates a template for a page 39, that controls the display and layout of the users page or for a new page that is to be added to the project that will display the newly created links. At the completion of the template creation wizard (See page 43) a webpage is created and then FTP'd to a web server and is called a link directory. During the creation of the page, a template is used to format a page and to store variables to be used in displaying your link information. The link location in a given page is determined by the ##Link## variable inserted in the link template. The user then orders the page using the editor and the links will be displayed in the locations specified in the link template.

Axandra teaches the dummy web page **is a web page** for which the links are deemed to appear and the template file uses to dummy page to control the layout of the page. The template file is also a web page that builds on the dummy web page as they are intertwined. The dummy page is the foundation page for

which the template adds variables to in order to create the final link directory page, as described from the process above.

Therefore, while interpreting the claim as a whole, the project editor is an interface that allows a user to edit a reciprocal link option from a **first page** which is a dummy page created from a template page wizard and then rendered on a web server. The editor allows the user to add a link to the **first page** by selecting the "add a link" button that opens the add link window (see page 86). The user enters the link text that identifies the linked page (See link text) and enters the URL for the linked page and the exact URL of the page that contains the link back to the user site. The user then selects the link order, which dictates the position of the link on the page (See page 36). If the user wants to add it to a current page then they do not use the template wizard but the link will be added to the location specified in the page template and located at the ##LINKS## location in the page. However, if they would like to create a new page then they create a page using the template wizard, which allows the user to specify the new ##link## location on the page.

The claim further recites "finding the link on the first page" and the Examiner interprets the listing of linked sites as shown on Page 25, as finding the linked tag as it is displayed to the user and presented as a linked page in the directory and displayed in a link order (See page 36, bottom link order). If the user via the add page, places the new link in link order spot 1 then the list of linked pages to the first page will reflect the new link in the first spot in the editor.

The final step in the claim “tests to see if the link exists, and determines an action based on the user interface option”. In this case, if the link does not exist, then based on the selected option to add a site, then the interface creates a step to add the link to the page after the linked page web master responds to an email to add the page (See page 45 and 49).

In summary, it is clear that the Axandra web page editor is using the fragment identifier specified in HTML 4.0 along with an anchor tag to specify the location of a link in a page. The reference does not specifically state adding a reciprocal tag but the evidence clearly states the system allows **for inserting an anchor tag** when the user specifies a link on the dummy web page because the system is directly using the HTML 4.0 specification implementation for adding and defining links in a page. The Examiners rationale is that the anchor tag and name, id and fragment identifier combination along with the teachings of Axandra can be used to add tags with names of the user's choice to the page. The only evidence that the applicant has created an actual “recip” tag is by coding it as a comment tag (See figure 2b), that provides no function to an html browser. In contrast the add a web site function described on page 86 in Axandra, along with the ##LINKS## in the template provide for adding a link, describing the link and designating the location in a web page as well as clearly deeming the link as a reciprocal link.

Applicant argues that Goodisman does not teach or suggest adding a reciprocal tag to the page

Applicant argues that Goodisman does not teach or suggest adding a reciprocal tag to a page because they interpret the linkify process in Goodisman as only teaching a process of associating objects and representing them as hyperlinks (See Brief page 21).

The Examiner disagrees.

Using the definition provided above, the reciprocal tag is a comment tag or an anchor tag. If it can be interpreted as a comment tag then it provides no function to the browser other than providing an identifier that is not read by the program.

Even so, Axandra teaches a mechanism to describe links using the description variables on page 129. If it's an anchor tag but called a reciprocal tag then Axandra clearly speaks to adding anchor tags by using the constructs of HTML 4.0 and the fragment identifier ##, which indicates the use of an anchor tag. As the user places the ##LINKS## on the page, they are adding anchor tags.

As outlined in the rejection above, Axandra does not teach **adding a reciprocal tag** to a page and does not actually mention the phrase reciprocal tag. The teachings of Goodisman were relied upon to teach the limitation of adding a reciprocal tag to a page, as recited in the claims. The purpose of Goodisman is to create dynamic associations between objects and the associations can be links based on context (See Para 008). Link activation can be caused by selecting a hyperlink (See Para 009). The linkify engine parses a document and determines

potential links from the blocks. The potential link targets in the blocks can be an object (e.g. document, application, script, etc.) and when the link is activated a portion of the document can be replaced with other text, another web page (See Para 41). The links can be represented as a link summary, similarly as to what is shown in the Axandra project page (See Goodisman Para 39). Goodisman expressly teaches the process of replacing links based on updated information when the links change, which is analogous to adding or changing a link that is taught in Axandra. Goodisman teaches the links can be used to "back " link or "reverse" link documents by returning the linked document, which creates a link analogous to a reciprocal link (See Para 53, bottom). Moreover, Goodisman teaches the linkify engine can reconstruct a document to include links and retrieved information in a linkified document where the engine can add **anchor links**, icons, callouts and footnotes (See Para 55, second column , bottom). Therefore, while it is true that Goodisman does not teach the phrase reciprocal link or tag, the prior art of Goodisman clearly teaches creating back or reverse links, which can be considered reciprocal links, and then adding **tags** to a document that are anchor tags, which is interpreted as within the definition of the tags as defined in the present application specification.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Steven B. Theriault/

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